



1997 SENATE BILL 181

April 23, 1997 - Introduced by Senators SHIBILSKI, A. LASEE, CLAUSING, ZIEN, BRESKE, DRZEWIECKI, SCHULTZ and RUDE, cosponsored by Representatives HUTCHISON, SCHNEIDER, HASENOHRL, POWERS, LINTON, OTT, GUNDERSON, BOYLE, GREEN, SERATTI, FREESE, GRONEMUS, VRAKAS, F. LASEE, RYBA, OWENS, SKINDRUD, KELSO and HAHN. Referred to Committee on Agriculture and Environmental Resources.

1 **AN ACT to amend** 29.33 (1) and 29.33 (7); and **to create** 29.33 (8) of the statutes;
2 **relating to:** establishment of species harvest limits and allotment of
3 individual licensee catch quotas among holders of commercial fishing licenses
4 and granting rule-making authority.

Analysis by the Legislative Reference Bureau

Under current law, the Lake Michigan commercial fishing board and the Lake Superior commercial fishing board establish criteria for the allotment of individual licensee catch quotas to commercial fishers for the commercial harvesting of certain species of fish from the Great Lakes. A commercial fisher's individual licensee catch quota determines the amount of a certain species of fish that that particular fisher may catch during a fishing season. This bill requires that the department of natural resources (DNR), instead of the fishing boards, establish formulas to be used for allocating these catch quotas after giving consideration to recommendations of the boards and requires that the formulas be promulgated by rule. However, the bill prohibits DNR from amending or repealing rules establishing the criteria used for allotment of individual licensee catch quotas established before the bill becomes law.

Under current law, DNR may establish species harvest limits for commercial fishing. Under the bill, DNR must give consideration to the boards' recommendations for these limits. Finally, the bill gives the boards the specific authority to advise DNR on all other commercial fishing matters relating to the Great Lakes.

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For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 29.33 (1) of the statutes is amended to read:

2 29.33 (1) LICENSE AUTHORIZED. Any person desiring to conduct commercial
3 fishing operations on any of the outlying waters shall first obtain a commercial
4 fishing license. The department may limit the number of licenses issued under this
5 section and designate the areas in the outlying waters under the jurisdiction of this
6 state where commercial fishing operations shall be restricted. The After giving due
7 consideration to the recommendations made by the commercial fishing boards under
8 sub. (7), the department may establish species harvest limits and promulgate rules
9 to establish formulas for the allocation of the species harvest limits among
10 commercial fishing licensees or for the allotment of individual licensee catch quotas.
11 The department may allocate the harvest limits among commercial fishing licensees.
12 The department may designate the kind, size and amount of gear to be used in the
13 harvest. The limitations on licenses, restricted fishing areas, harvests and gear shall
14 be based on the available harvestable population of fish and in the wise use and
15 conservation of the fish so as to prevent overexploitation. The department may
16 promulgate rules defining the qualifications of licensees in the reasonable exercise
17 of this authority, giving due consideration to residency, past record including
18 compliance with the reporting requirements of sub. (5), fishing and navigation
19 ability and quantity and quality of equipment possessed. Rules relating to licensing
20 commercial fishers shall be based on criteria provided by the commercial fishing
21 boards under sub. (7). The application for the license shall be made to the

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1 department on a blank provided for that purpose, accompanied by the fee specified
2 in s. 29.092 (7). The application shall state the name, birthdate, description and
3 residence of the applicant, the manner in which he or she proposes to fish, the name
4 or number and overall length of his or her boats, the name of the hailing port from
5 which the boats will operate, and the number and kind of nets or other gear he or she
6 intends to use in connection with commercial fishing and any other information
7 required by the department for statistical purposes. The applicant shall provide an
8 itemized listing of commercial fishing gear and equipment with the current values
9 of those items of commercial fishing equipment, sufficient to meet the investment
10 requirements for licensing as established in rules promulgated under this section.
11 "Overall length" means the minimum distance between the extreme outside end of
12 the bow and the stern using the nearest whole number of feet. The license shall be
13 issued in accordance with s. 29.09. No outlying waters commercial fishing license
14 may be issued to a person under the age of 18 years.

15 **SECTION 2.** 29.33 (7) of the statutes is amended to read:

16 29.33 (7) COMMERCIAL FISHING BOARDS. The Lake Superior and Lake Michigan
17 commercial fishing boards established under s. 15.345 (2) and (3) shall review and
18 consider applications for a transfer of license under this section and shall approve
19 or deny applications on the basis of rules promulgated by the department. The
20 boards shall ~~establish criteria~~ recommend to the department species harvest limits
21 and formulas for the allotment of individual licensee catch quotas ~~and shall allot the~~
22 ~~catch quotas~~ when the department establishes species harvests harvest limits for
23 allocation among licensees. The boards shall assist the department in establishing
24 criteria for identifying inactive licensees. The criteria established for identifying
25 inactive licensees shall be the basis for rules governing the issuance of licenses. The

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1 boards may also advise the department on all other commercial fishing matters
2 relating to Lake Michigan and Lake Superior.

3 **SECTION 3.** 29.33 (8) of the statutes is created to read:

4 29.33 (8) EXISTING CRITERIA. Notwithstanding the establishment of
5 rule-making authority in the department under sub. (1) to establish formulas for the
6 allocation of the species harvest limits among commercial fishing licensees or for the
7 allotment of individual licensee catch quotas, the criteria for the allotment of
8 individual licensee catch quotas established under s. 29.33 (7), 1995 stats., that are
9 in effect on the day before the effective date of this subsection ... [revisor inserts
10 date], shall remain valid and may not be amended or repealed by the department.

11 (END)